March 1788

D: of Queensberry
Mr Wright
Mr Glory
Mr Clerk
Mr Hamilton
} for W Brodie

} for G: Smith

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WILLIAM BRODIE, ſome time wright and cabinet-maker in Edinburgh and GEORGE SMITH, ſome time grocer there, both priſoners in the tolbooth of Edinburgh, You are indicted and accuſed, at the inſtance of ILAY CAMPBELL, Eſq; his Majeſty's Advocate, for his Majeſty's intereſt; THAT ALBEIT, by the laws of this, and of every other well governed realm, THEFT, more eſpecially when attended with houſe-breaking, and when committed by breaking into a houſe uſed or kept as an Exciſe-Office, or other public office, under cloud of night, and from thence abſtracting and ſtealing money, is a crime of an heinous nature, and ſeverely puniſhable: YET TRUE IT IS, AND OF VERITY, That You, the ſaid William Brodie, and George Smith, are both, and each, or one or other of You, guilty actors, or art and part, of the ſaid crime, aggravated as aforeſaid; IN SO FAR AS, upon the night of the 5th day of March laſt, in this preſent year of our Lord 1788, or upon one or other of the days or nights of that month, or of February immediately preceding, or of April immediately following, You, the ſaid William Brodie, and George Smith, did, by means of falſe keys, or other inſtruments, wickedly and feloniouſly break into the houſe in which the General Exciſe-Office for Scotland was then kept, in Cheſſells's buildings, on the South ſide of the High-ſtreet of Canongate of Edinburgh, within the royalty or liberties of the city of Edinburgh, and county of Edinburgh, and did thence feloniouſly abſtract and ſteal money, to the amount of ſixteen pounds Sterling, or thereby, conſiſting partly of bank-notes, and partly of ſilver and halfpence. And You, the ſaid George Smith, having been afterwards apprehended, and brought before Archibald Cockburn, Eſq; ſheriff-depute of the county of Edinburgh, did, in his preſence, emit three ſeveral declarations; the firſt of date the 8th day of March, the ſecond of date the 10th day of March, and the third of date the 19th day of March, all in this preſent year of our Lord 1788: And, having afterwards been brought before John Stewart, Eſq; ſheriff-ſubſtitute

A

For Wm Brodie
The Defence was a general denial of the Libel and an allegation of alibi viz that from exactly a clock of that night on which the Excise was robbed till next morning Mr Brodie was in the House of Jean Watt a woman with whom he had a particular connection till in the morning.

For George Smith a general plea of not Guilty.

Objected for the prisoners that the Gold Watch & other articles were not sufficiently described in the Libel & the N° of the Watch not mentd &c The objection was overruled. —

In the mean — objected to Andrew Aurdie that he was a witness — overruled but allowance given a precognoscing with him and recovery all objections to his credibility — objected to John Brown that he was an [illegible] and therefore inadmissible as witness — he had been

convicted of Felony at the old Bailey in London
Answered He had got the Kings pardon which in England
rehabilitates and takes off the Infamy and Sentence, and
at the conviction was in England we must judge by the English Laws
The objection was repelled and Proof admitted reserving all
Objections as to
Relevancy.

Verdict Guilty.

pleaded in arrest
of Judgment that
the Libel charged
the prisoners with
breaking the House
in which the
Excise office was
kept. But this
was an Error for
all the Houses in
wch it was kept
the adjoining
were not under
one Roof

Motion rejected as
incompetent.

Sentence Death

Trial lasted 21½
hours from 10 a
Clock on the 27th
of Augt till half
the 30th Augt.

stitute of the said county, You did, in his presence, emit a fourth declaration, of date the 17th day of July, likewise in this present year 1788: The first of which declarations was signed by the said Archibald Cockburn, the second and third by You, the said George Smith, and the said Archibald Cockburn, and the fourth by You, the said George Smith, and the said John Stewart. AND FURTHER, You, the said William Brodie, having, in the month of March last, when the said George Smith was committed to prison, left Edinburgh, and fled from this country; and having afterwards been brought back, and taken into custody, did, upon the 17th day of July, in this present year 1788, in presence of the said Archibald Cockburn, Esq; emit a declaration, which was signed by You, the said William Brodie, and the said Archibald Cockburn; the whole of which declarations, together with a letter written by You the said William Brodie, and signed *John Dixon*, dated at Flushing, Tuesday, 8th April 1788, twelve o'clock forenoon, and addressed to Mr Matthew Sheriff upholsterer Edinburgh; another letter, or two letters, on one sheet of paper, written by You the said William Brodie, and signed with your initials, dated Thursday, 10th April 1788, and addressed to Mr Michaell Henderson Grass-market stabler Edinburgh; an unsigned scroll, or copy of a letter in the hand-writing of You, the said William Brodie, marked No. 1. without date or address; another unsigned scroll, or copy of a letter in the hand-writing of You, the said William Brodie, marked No. 2. without date or address; an account, or state, in the hand-writing of You, the said William Brodie, entitled, 'A state 'of my affairs, as near as I can make out at present from memory, 'having no other assistance;' a letter, dated London, 1st May 1788, signed *Lee, Strachan*, and *Co.* and addressed to Messf. Eml. Walker and Co. merchants, Philadelphia; a gold-watch, with a chain, seal, and key; a chest, or trunk, containing various articles; a five pound bank-note, an iron coulter of a plough, two iron wedges, an

an iron crow, a pair of curling irons or toupee tongs, a ſpur, a dark lanthorn, a pair of piſtols, ſeveral falſe keys and pick-locks, and two ſpring-ſaws, are all to be uſed in evidence againſt You the ſaid William Brodie and George Smith; and, for that purpoſe, will be lodged in the hands of the clerk of the High Court of Juſticiary, before which You are to be tried, in order that You may have an opportunity of ſeeing the ſame: AT LEAST, time and place foreſaid, the ſaid houſe in which the General Exciſe-Office for Scotland was then kept as aforeſaid, was feloniouſly broke and entered into, and a ſum of money feloniouſly and theftuouſly taken and ſtolen therefrom as aforeſaid; and You the ſaid William Brodie, and George Smith, above complained upon, are both, and each, or one or other of You, guilty thereof, actor or actors, or art and part. ALL WHICH, or part thereof, being found proven by the verdict of an aſſize, before the Lord Juſtice General, Lord Juſtice Clerk, and Lords Commiſſioners of Juſticiary, You, the ſaid William Brodie, and George Smith, OUGHT to be puniſhed with the pains of law, to deter others from committing the like crimes in all time coming.

ILAY CAMPBELL.

LIST